

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received.

Drawings:

Applicant thanks the Examiner for indicating that the drawings filed on March 19, 2001 have been accepted.

Objections:

Applicant also thanks the Examiner for withdrawing the objections to both the claims and the specification.

Claim Rejections:

Claims 1-11 are all the claims pending in the application, and currently all of the claims stand rejected.

35 U.S.C. § 102(e) Rejection – Claims 1 and 2:

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,813,242 to Haskin et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

In addition to Applicant's arguments set forth in Applicant's Amendment filed March 31, 2005, which Applicant incorporates herein by reference, Applicant submits that claims 1-11 are additionally allowable for the following reason.

As shown in Haskin, when there is a failure or congestion on the primary path (switches 1, 3, 5 and 7) the data is redirected to an alternative path (including switches 2, 4 and 6).

However, there is no disclosure, in Haskin, of any portion of the system being able to distinguish packets which are to be protected from those that are not to be protected.

In the present invention, when there is a failure the packets to be protected are redirected to the start point router, and the packets which are not to be protected are not redirected. This allows for improved performance, as the reserved route is not congested with packets which are not to be protected. This is not disclosed, taught or suggested by Haskin.

As indicated above, all of the data/packets in the primary path are redirected to the secondary path, when there is a failure or congestion in the primary path. Because of this, the secondary path could suffer from the same congestion which has caused the primary path to fail.

In view of the foregoing, Applicant submits that Haskin fails to disclose each and every feature of the claimed invention, as set forth in claims 1 and 2. Therefore, Applicant submits that Haskin fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102(e). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of claims 1 and 2.

35 U.S.C. § 103(a) Rejections – Claims 3-11:

The remaining rejections all depend on the combination of Haskin with at least one other prior art reference. In this case, the additional references used to support the 35 U.S.C. § 103(a) rejections are Cao, Anderson and Dantu. However, Applicant submits that none of these references cure the deficient teachings of Haskin. As such, Applicant submits that these claims are allowable for at least the same reasons discussed above.

AMENDMENT UNDER 37 C.F.R. §1.116
Application Number: 09/740,993

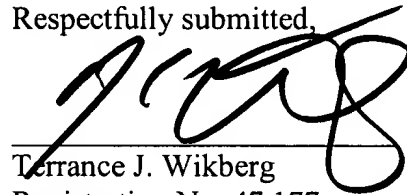
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Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: October 3, 2005